

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

AMMAR HARRIS,

Plaintiff

Case No. 3:21-cv-00380-RCJ-CLB

ORDER

v.

ELY STATE PRISON STAFF et al.,

Defendants

**I. DISCUSSION**

On July 26, 2022, the Court issued a screening order on the second amended complaint and granted Plaintiff until August 25, 2022, to file a third amended complaint or the case would proceed only on the Eighth Amendment claim of deliberate indifference to inmate safety against Defendants Cole and Boyd. (ECF No. 29 at 20-21). Plaintiff submits a motion for an extension of time to file his third amended complaint. (ECF No. 33).

The Court grants the motion for an extension of time. Plaintiff will file the third amended complaint on or before September 23, 2022. If Plaintiff chooses not to file a third amended complaint, this case will proceed on the Eighth Amendment claim of deliberate indifference to inmate safety against Defendants Cole and Boyd. (ECF No. 29 at 21).

Plaintiff submitted a notice/proposed third amended complaint and motion for leave to file that complaint shortly before the Court entered its screening order on the second amended complaint. (See ECF Nos. 27, 28, 29). The screening order did not acknowledge the proposed third amended complaint or the motion for leave to file that complaint and ultimately gave Plaintiff leave to file a third amended complaint. For clarity, the Court denies the proposed third amended complaint and motion for leave to file that complaint (ECF Nos. 27, 28) as moot and directs Plaintiff to file a new third amended complaint in compliance with the Court's July 26, 2022, screening order. To avoid docket

1 confusion, the Court will direct the Clerk of the Court to strike the proposed third amended  
2 complaint and motion for leave to file that complaint (ECF Nos. 27, 28).

3 **II. CONCLUSION**

4 For the foregoing reasons, it is ordered that the motion for extension of time (ECF  
5 No. 33) is granted. Plaintiff will file his third amended complaint on or before September  
6 23, 2022.

7 It is further ordered that the proposed third amended complaint and motion for  
8 leave to file that complaint (ECF Nos. 27, 28) are denied as moot. The Clerk of the Court  
9 will strike those filings (ECF Nos. 27, 28) from the docket.

10 It is further ordered that, if Plaintiff fails to timely file his new third amended  
11 complaint, this action will only proceed on the Eighth Amendment claim of deliberate  
12 indifference to inmate safety as against Defendants Cole and Boyd.

13 DATED: August 19, 2022.

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15 UNITED STATES MAGISTRATE JUDGE  
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